

## APPENDIX.

## COMMITTEE REPORT.

Committee Room,  
Austin, Texas, April 19, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 4, A bill to be entitled "An Act providing for the listing and valuing of property for the purposes of taxation; defining duties of assessors and deputy assessors; prescribing rules for determining the value of property; prescribing rules to govern commissioners courts when sitting as a board of equalization; prescribing additional oaths to be administered to tax assessors and deputy tax assessors, county judges and county commissioners, and providing penalties for violation thereof, and declaring an emergency."

And find the same correctly engrossed.  
CUNNINGHAM Chairman.

## EIGHTH DAY.

Senate Chamber,  
Austin, Texas,  
Tuesday, April 23, 1907.

The Senate met pursuant to adjournment.

Lieutenant Governor Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Grinnan.	Stone.
Harbison.	Stokes.
Harper.	Terrell.
Holsey.	Willacy.
Hudspeth.	

Absent.

Masterson.	Watson.
Veale.	

Absent—Excused.

Griggs.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Kellie, the same was dispensed with

(See Appendix for committee reports.)

## BILLS AND RESOLUTIONS.

By Senator Harper:

Senate bill No. 43, A bill to be entitled "An Act to create a State Text-Book Board, and to procure for use in the public free schools of the State of Texas a series of uniform text-books; defining the duties of certain officers therein named; making an appropriation therefor; defining certain misdemeanors; providing for a bond for the faithful performance of the contract, and to cover liquidated damages for fraud or collusion, and authorizing the Attorney General to bring suit therefor; and providing penalties for violations of the provisions of this act."

Read first time, and referred to Committee on Educational Affairs.

By Senators Brachfield, Skinner and Harper:

Senate bill No. 44, A bill to be entitled "An Act to amend Article 4542, Title XCIV, Chapter 11, of the Revised Statutes of 1895."

Read first time, and referred to Committee on Internal Improvements.

Morning call concluded.

## SENATE BILL NO. 5.

The Chair laid before the Senate, on second reading and pending business,

Senate bill No. 5, A bill to be entitled "An Act to amend Article 1318, Revised Civil Statutes of the State of Texas, adopted 1895."

Senator Terrell offered the following amendment:

Amend the bill by striking out the enacting clause.

Senator Smith moved that the bill lie on the table subject to be called up after Senate bill No. 1 is considered.

The motion prevailed.

## SENATE BILL NO. 9.

The Chair laid before the Senate, on second reading and as pending business,

Senate bill No. 9, A bill to be entitled "An Act to amend Article 762, Chapter 6, Title VIII, of the Code of Criminal Procedure of Texas, relating to the prosecution of an offense which includes within its lesser degrees, and providing that if a person be convicted of a lower degree of the offense than

that for which he is indicted, and a new trial be granted such person, or the judgment be set aside for any cause, the verdict upon the first trial shall not be considered an acquittal of the higher degree of the offense, but upon a second trial the trial shall be de novo, and he may be convicted of the offense charged in the indictment or any degree of the offense."

Senator Chambers offered the following amendment:

Amend the bill by striking out the enacting clause.

(Senator Glasscock in the chair.)

Pending discussion, Senator Chambers moved the previous question on the pending amendment, which motion being duly seconded, was so ordered.

The amendment by Senator Chambers was adopted by the following vote:

Yeas—14.

Alexander.	Meachum.
Chambers.	Murray.
Cunningham.	Smith.
Faust.	Stokes.
Holsey.	Stone.
Hudspeth.	Terrell.
Kellie.	Willacy.

Nays—12.

Barrett.	Harper.
Brachfield.	Looney.
Glasscock.	Mayfield.
Green.	Paulus.
Greer.	Senter.
Grinnan.	Skinner.

Absent.

Harbison.	Veale.
Masterson.	Watson.

Absent—Excused.

Griggs.

Senator Chambers moved to reconsider the vote by which the amendment was adopted, and lay that motion on the table.

The motion to table prevailed.

(Lieutenant Governor Davidson in the chair.)

SENATE BILL NO. 24.

On motion of Senator Brachfield, the pending order of business (Senate bill No. 1) was suspended, and the Senate took up, out of its order, Senate bill No. 24 by the following vote:

Yeas—20.

Alexander.	Brachfield.
Barrett.	Chambers.

Faust.	Meachum.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Harper.	Smith.
Holsey.	Stokes.
Looney.	Terrell.
Mayfield.	Willacy.

Nays—5.

Harbison.	Murray.
Hudspeth.	Stone.
Kellie.	

Absent.

Cunningham.	Veale.
Grinnan.	Watson.
Masterson.	

Absent—Excused.

Griggs.

The Chair laid before the Senate, on second reading,

Senate bill No. 24, A bill to be entitled "An Act to compel telephone and telegraph companies to make connections with other telephone lines doing a like business."

Senator Brachfield offered the following amendment, which was a substitute bill:

Amend Senate bill No. 24 by striking out all after the words "to be entitled" and substitute the following:

S. B. No. 24. By Brachfield.

A BILL

To Be Entitled

An Act to compel telephone and telegraph companies to arrange for connections or transfer of messages with other telephone and telegraph lines doing a like business.

Be it enacted by the Legislature of the State of Texas:

Section 1. That all companies and corporations that own or operate telephone or telegraph lines for the purpose of transmitting messages from one point to another are hereby required to arrange for conversations or transfer of messages as hereinafter provided.

Sec. 2. Each company or corporation doing a telephone business in this State, shall be compelled to make connection between their non-competing long distance toll lines at common points whenever it shall be necessary for the public convenience; such connection to be made through the switchboard of such companies.

Sec. 3. All telegraph companies or persons, firms, corporations or associa-

tions of persons, which are now or shall hereafter be engaged in the business of accepting and transmitting messages to and from different points in this State, where the use of a telegraph instrument or instruments is necessary in the conduct of such business, shall, if there be any other person, firm, corporation or association engaged in such business at the same point or in the same town, city or village, provide means whereby all messages conveyed to such points over the lines of any such companies shall be transferred to the lines engaged in such business as such common points and transmitted to their final destination, and such facilities shall be provided as will guarantee the transfer of such messages in compliance with the provisions of this act; provided, that in no case shall any message be transferred from one line to another against the will of the company first handling same when it is possible for such company to deliver said message direct to the party for whom it is intended via the line or lines operated and owned by said company, and provided further, that no telegraph or telephone company shall, under the provisions of this act, be compelled to receive from the wires or lines of any other telegraph or telephone company and convey to its final destination any message originating at any point on its own lines.

Sec. 4. The city council in incorporated cities and the commissioners court at points where there is no city council, shall, on the application of twenty-five resident citizens, or upon its own motion, hear such evidence as they think necessary, and upon a final hearing they shall determine whether or not it would be necessary for public convenience and just to the telephone or telegraph companies to make such connection or arrange for transfer of messages, whereupon they shall enter of record their findings, and shall also set out in their order the conditions upon which such arrangements for conversation or transfer of messages shall be made, and shall decide what proportion of expense shall be paid by each of said connecting lines.

Sec. 5. Whenever the city council or commissioners court shall enter an order in compliance with Section 3 of this act, requiring telephone or telegraph companies to arrange for conversation or transfer of messages, it shall be compulsory on said company to arrange for such conversation or transfer of messages and failing to do so shall forfeit to the State of Texas, on suit by the county or district attorney, the sum

of \$10 for each and every day they so neglect; provided further, that any company ordered to arrange for conversations or to transfer messages between its line and another line, as herein provided, shall have the right to appeal from such order to the court having jurisdiction over said matter, and the court shall, if it shall find that appellant had reasonable grounds for prosecuting such appeal, suspend the penalty herein provided for until such appeal is finally determined.

The amendment was read, and adopted.

Senator Brachfield offered the following amendment, which was adopted:

Amend by adding to Section 2 the following: "Provided, that no company or corporation shall be compelled to make connection with lines competing with any of their connecting lines."

(Senator Stone in the chair.)

Senator Brachfield offered the following amendment, which was adopted:

Amend the bill by adding the following:

"Sec. 6. The fact that there is no law requiring telephone and telegraph companies to connect in this State, creates an emergency, and an imperative public necessity requiring that the constitutional rule which provides that all bills shall be read on three several days be suspended, and said rule is hereby suspended, and this law to take effect from and after passage, and it is so enacted."

Senator Hudspeth offered the following amendment:

Amend the bill as substituted by adding to Section 5 the following: "Provided, the provisions of this bill shall not apply to towns of two thousand inhabitants or less."

TERRELL,  
HUDSPETH.

The amendment was lost.

Senator Hudspeth offered the following amendment:

Amend the amendment by striking out the word "twenty-five" in Section 4, at end of line 4, and insert "one hundred."

Senator Chambers moved the previous question on the amendment and the bill, which motion being duly seconded was so ordered.

The amendment was adopted.

The bill was read second time, and ordered engrossed by the following vote:

Yeas—19.

Alexander.	Glasscock.
Barrett.	Green.
Brachfield.	Greer.
Chambers.	Grinnan.

Harper.	Senter.
Holsey.	Skinner.
Looney.	Stone.
Mayfield.	Terrell.
Meachum.	Willacy.
Paulus.	

Nays—6.

Faust.	Murray.
Harbison.	Smith.
Hudspeth.	Stokes.

Absent.

Cunningham.	Veale.
Kellie.	Watson.
Masterson.	

Absent—Excused.

Griggs.

On motion of Senator Brachfield, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Grinnan.	Stokes.
Harper.	Stone.
Holsey.	Terrell.
Hudspeth.	Willacy.

Nays—1.

Harbison.

Absent.

Masterson.	Watson.
Veale.	

Absent—Excused.

Griggs.

Senator Senter offered the following amendment:

Amend Section 5 by inserting after the words "the sum of \$10 for each and every day they so neglect": "Provided, that the penalty herein assessed shall not be operative against a company which is prevented from making connections as herein required through the fault or omission of another company, so long as such fault or omission shall cause such failure on its part to connect."

The amendment was read, and adopted by the following vote:

Yeas—25.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Grinnan.	Stone.
Harper.	Terrell.
Holsey.	Willacy.
Hudspeth.	

Nays—1.

Harbison.

Absent.

Masterson.	Veale.
Stokes.	Watson.

Absent—Excused.

Griggs.

The bill was read third time, and passed.

Senator Brachfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

(Lieutenant Governor Davidson in the chair.)

## BILL RE-REFERRED.

Senator Skinner moved that Senate bill No. 41 be recalled from Judiciary Committee No. 2, and be referred to Committee on Educational Affairs.

The motion prevailed.

## SIMPLE RESOLUTION.

By Senator Senter:

Resolved, that the committees of the Senate shall be authorized at their discretion to require all bills reported by them to be printed in the Journal, and that when they so direct such bills shall be at once printed in the Journal without further order."

The resolution was read and lost by the following vote:

Yeas—10.

Alexander.	Mayfield.
Green.	Paulus.
Holsey.	Senter.
Hudspeth.	Terrell.
Looney.	Willacy.

Nays—16.

Barrett.	Faust.
Brachfield.	Glasscock.
Chambers.	Greer.

Grinnan.	Murray.
Harbison.	Skinner.
Harper.	Smith.
Kellie.	Stokes.
Meachum.	Stone.

Present—Not Voting.

Cunningham.

Absent.

Masterson.	Watson.
Veale.	

Absent—Excused.

Griggs.

## SENATE BILL NO. 31.

On motion of Senator Harper, the pending order of business (Senate bill No. 1) was suspended, and the Senate took up, out of its order, Senate bill No. 31.

The Chair laid before the Senate, on second reading,

Senate bill No. 31, A bill to be entitled "An Act to simplify trials for the contest of local option elections, and to simplify criminal trials that arise under local option laws by amending Article 3397 of Title LXIX, Revised Civil Statutes of Texas, providing the time and manner in which local option elections may be contested, prescribing the effect to be given the judgment of the courts in which said election is contested, and provided further, that when no contest is filed as provided in the act that the legality of the election and the result as declared shall be conclusively presumed and shall be binding upon all courts, repealing all laws in conflict with this act, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Looney, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Alexander.	Holsey.
Barrett.	Hudspeth.
Brachfield.	Kellie.
Chambers.	Looney.
Cunningham.	Meachum.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Stone.
Grinnan.	Terrell.
Harbison.	Willacy.
Harper.	

Nays—1.

Murray.

Absent.

Masterson.	Stokes.
Mayfield.	Veale.
Smith.	Watson.

Absent—Excused.

Griggs.

The bill was read third time, and passed by the following vote:

Yeas—24.

Alexander.	Holsey.
Barrett.	Hudspeth.
Brachfield.	Kellie.
Chambers.	Looney.
Cunningham.	Mayfield.
Faust.	Meachum.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Grinnan.	Stone.
Harbison.	Terrell.
Harper.	Willacy.

Nays—1.

Murray.

Absent.

Masterson.	Veale.
Smith.	Watson.
Stokes.	

Absent—Excused.

Griggs.

Senator Looney moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## ADJOURNMENT

Senator Stone moved that the Senate adjourn until tomorrow morning at 10 o'clock.

Senator Looney moved that the Senate recess until 5 o'clock today.

Action being on the longest time first, the motion to adjourn until 10 o'clock tomorrow prevailed.

## APPENDIX.

## COMMITTEE REPORTS.

(Majority Report.)

Committee Room.

Austin, Texas, April 22, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 15. A bill to be en-

titled "An Act to amend Article 723 of the Code of Criminal Procedure of the State of Texas, relating to new trials and the reversals on appeals,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, April 22, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 2, to whom was referred

Senate bill No. 15, A bill to be entitled "An Act to amend Article 723 of the Code of Criminal Procedure of the State of Texas, relating to new trials and the reversals on appeals,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do not pass.

TERRELL,  
SMITH.

(Majority Report.)

Committee Room,  
Austin, Texas, April 22, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 22, A bill to be entitled "An Act to amend Article 723, Chapter 5, Title VIII, of the Code of Criminal Procedure of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, and as amended by an act of the Twenty-fifth Legislature, relating to appeals of criminal cases to the Court of Criminal Appeals,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

LOONEY, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, April 22, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 2, to whom was referred

Senate bill No. 22, A bill to be entitled "An Act to amend Article 723, Chapter 5, Title VIII, of the Code of

Criminal Procedure of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, and as amended by an act of the Twenty-fifth Legislature relating to appeals of original cases to the Court of Criminal Appeals,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass.

HUDSPETH,  
LOONEY.

Committee Room,  
Austin, Texas, April 22, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 39, A bill to be entitled "An Act to prevent any person from communicating with jurors and prescribing a penalty, with emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,  
Austin, Texas, April 22, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 36, A bill to be entitled

"An Act to regulate the preparation and form of briefs filed in causes which may be appealed from the judgments of county and district courts,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,  
Austin, Texas, April 22, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 38, A bill to be entitled "An Act to amend Article 770, title VIII, of the Code of Criminal Procedure, in relation to a witness testifying as a witness in his own behalf,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

LOONEY, Chairman.

Committee Room,  
Austin, Texas, April 22, 1907.  
Hon. A. B. Davidson, President of the  
Senate.

Sir: Your Finance Committee, to  
whom was referred

Senate bill No. 2, A bill to be en-  
titled "An Act to amend Articles 5058,  
5059 and 5060 of Title CIV, Chapter 1,  
Revised Civil Statutes of 1895 of the  
State of Texas, and to add thereto Ar-  
ticle 5058a,"

Have had the same under considera-  
tion, and I am instructed to report it  
back to the Senate with the recommen-  
dation that it do not pass, but that the  
attached substitute pass in lieu thereof.

WILLACY, Chairman.

C. S. for S. B. No. 2.

By Brachfield.

#### A BILL

#### To Be Entitled

An Act to amend Articles 5058, 5059 and  
5060 of Title CIV, Chapter 1, Revised  
Civil Statutes of 1895 of the State of  
Texas, and to add thereto Article  
5058a.

Be it enacted by the Legislature of the  
State of Texas:

Section 1. That Article 5058, 5059  
and 5060 of Title CIV, Chapter 1, Re-  
vised Civil Statutes of 1895 of the State  
of Texas, be amended so as to hereafter  
read as follows, and that Article 5058a  
be added thereto, to read as follows:

"Art. 5058a. The Governor is author-  
ized to appoint a suitable person as Re-  
venue Agent for the State of Texas for the  
purpose of securing a better enforcement  
of the revenue laws of the State; the  
agent provided for herein shall be known  
as the State Revenue Agent. The Gov-  
ernor, should he deem it advisable at any  
time, may also appoint not exceeding  
two deputy revenue agents; said deputy  
or deputies, as the case may be, shall  
assist the State Revenue Agent in secur-  
ing a better enforcement of the revenue  
laws of this State, and said State Re-  
venue Agent and his deputies shall be sub-  
ject to the directions of the Governor,  
who may, if in his judgment the public  
service demands it, direct and require the  
said officers to investigate the books and  
accounts of assessing and collecting offi-  
cers of this State, and all officers and  
persons disbursing, receiving or having  
in their possession, State public funds,  
and to make such other investigations  
and perform such other duties in the in-  
terest of the public revenues of the State  
as the Governor may from time to time  
direct.

"Whenever any such investigation is  
ordered by the Governor, the Revenue  
Agent, or deputy revenue agent, shall re-  
port to the Governor in writing the re-  
sult of such investigation and point out  
the particulars, if any, wherein the reve-  
nue laws have been violated, their en-  
forcement neglected, together with the  
names of the parties delinquent therein.  
Whereupon the Governor shall institute  
such civil and criminal proceedings as  
may be provided by law through the At-  
torney General in the name of the State  
against such delinquent parties who are  
reported by such agent to be delinquent  
in the district court of the county in  
which such delinquent resides, or in case  
the Attorney General or either of his  
assistants shall file an affidavit that in  
his opinion the State could not get jus-  
tice in said court, then and in such event  
such suit may be brought in the district  
court of Travis county. Said Revenue  
Agent and each deputy revenue agent  
shall have power at any time to examine  
and check up all and any disbursements  
or expenditures of money appropriated  
for any of the State institutions, or for  
any purpose or for improvements made  
by the State on property, or money re-  
ceived and disbursed by any board au-  
thorized by law to receive and disburse  
State money.

"Art. 5058a. Each deputy revenue  
agent shall be under the supervision of  
the State Revenue Agent, and shall make  
report to him direct at such times as he  
may direct, and shall also report to the  
Governor upon any matter when re-  
quested to do so, and shall have the same  
authority and power to inspect ac-  
counts, records and books of officers as  
is conferred upon the State Revenue  
Agent.

"Art. 5059. When said Revenue Agent  
or any deputy revenue agent, acting un-  
der the direction of the Governor, calls  
on any person connected with the public  
service to inspect his records, accounts  
or books, said officer or official so called  
upon shall submit to said agent all books,  
records and accounts so called for with-  
out delay.

"Art. 5060. Said Revenue Agent shall  
receive as compensation for his services  
the sum of \$2000 per annum, together  
with his actual traveling expenses, which  
shall be paid on the approval of the same  
by the Governor; each deputy agent  
shall receive the sum of \$1800 per an-  
num, together with his actual traveling  
expenses, which shall be paid on the ap-  
proval of the same by the Governor;  
the State Revenue Agent shall be fur-  
nished an office clerk and stenographer,  
who shall receive the sum of \$900 per

annum; provided, said Revenue Agent, or any deputy revenue agent, shall not be allowed traveling expenses for any service connected with the examinations of the accounts of any institution in Travis county."

Sec. 2. There is hereby appropriated out of the general revenue the sum of \$3600 per annum, or so much thereof as may be necessary, in addition to the sums appropriated in the appropriation bill passed at the Regular Session of the Thirtieth Legislature to pay said salaries.

Sec. 3. The importance of this bill creates an emergency and an imperative public necessity, requiring that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this act take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, April 22, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

Senate bill No. 29, A bill to be entitled "An Act to amend Article 5064, Chapter 2, Title XCIV, of the Revised Civil Statutes, relating to property subject to taxation, and the mode of rendering the same, and to define for purposes of taxation the meaning of the following words, as they appear in said chapter and title, viz.: True and full value, fair market value in cash, the prices that could be obtained therefor at private sale, actual value, final valuation, valuation, its true and full value in money, fairly worth in money, fair voluntary sale for cash, its true and full value in money, at the full amount thereof, at the full value of the same so payable. The value of the current price of such property, at the place when payable. Shall be valued at the price that the person believes the same to be worth in money, which phases are set forth and mentioned in Articles 5073-5077, 5078, 5083 and 5088, Revised Civil Statutes, in said Chapter 2, Title XCIV, shall be construed to mean for the purpose of uniformity in rendition or assessing any and all property for taxation to be 50 per centum of the fair market value for which any such property is so assessed would sell for at a fair valuation at private sale, fixing the time for the assessment and valuation of such property between first of January up to the time of rendition for the year

the same is assessed, with an emergency clause,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WILLACY, Chairman.

Committee Room,

Austin, Texas, April 23, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 19, A bill to be entitled "An Act to amend Article 1043, Revised Statutes and to add thereto Article 1043a, regulating the certification of questions of law by the Courts of Civil Appeals to the Supreme Court in cases of conflict of decisions and in cases of disagreement of the judges of a Court of Civil Appeals, and repealing Articles 1040 and 1041, Revised Statutes, and also repealing an act of the Twenty-sixth Legislature, approved May 9, 1899, entitled 'An Act to define the powers and duties of the Courts of Civil Appeals of the several Supreme Judicial Districts of the State of Texas, where there is, or may be, a conflict of opinion by any of the said Courts of Civil Appeals on a question of law involved in any cause pending before said courts, and prescribing the duties of the Supreme Court of the State of Texas in such cases,' and declaring an emergency,"

And find the same correctly engrossed.

CUNNINGHAM, Chairman.

#### NINTH DAY.

Senate Chamber,

Austin, Texas,

Wednesday, April 24, 1907.

Senate met pursuant to adjournment.

Lieutenant Governor Davidson in the chair.

Roll call, quorum present, the following Senators answering to their names:

Alexander.	Holsey.
Barrett.	Hudspeth.
Brachfield.	Kellie.
Chambers.	Looney.
Cunningham.	Mayfield.
Faust.	Meachum.
Glasscock.	Murray.
Green.	Paulus.
Greer.	Senter.
Grinnan.	Skinner.
Harbison.	Smith.
Harper.	Stokes.